

REMARKS

Claims 1, 5, 6, 7, 8, 10-11, 13 and 15-23 are pending in this application. Claims 1 and 11 are amended. Claims 2-4, 9, 12, and 14 have been cancelled by a previous amendment. In the Office Action, claims 1, 5-8, 11, 13 and 15-23 are rejected over prior art. In view of the remarks below, reconsideration and allowance of the claims are respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. §102(e)

Claims 1, 5-8, 11, 13, 15-19 and 21-23 are rejected under 35 U.S.C. § 102(e), as being anticipated by Ernam et al. (U.S. 6,148,201). Applicants respectfully traverse this art ground of rejection.

As admitted by the Examiner during the telephonic interview of June 27, 2007, Erman et al. teaches a mobile switching center (MSC) 104, 106, 108, and a load is determined on the MSC 104, 106, 108. Column 2, lines 50-55.

Applicants have amended independent claims 1 and 12 to distinguish that nodes of a second set are not MSCs. For example, claims 1 and 12 have been amended to recite “said set node of said second set responsible for selection, encryption and handling of access network mobility.” Support for the amendment may be found on page 2, line 25 to page 3, line 9 of the present specification. In addition, the specification clearly distinguishes the differences between an MSC and the recitation of the claims. Also, a person of ordinary skill in the art is well aware of the functional level difference between the MSC and the recitation of the claims.

For at least the reasons given above, Applicants submit that independent claims 1 and 11 are patentable over Ernam et al. In addition, dependent claims 5-8, 13, 15-19 and 21-23 are also patentable for respective depending on an allowable base claim.

CLAIM REJECTION UNDER 35 U.S.C. §103(a)

Claims 10 and 20 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Ernam et al. in view of Kuster et al. (USP 7,006,450). Applicants respectfully traverse this art ground of rejection.

As remarked above, independent claims 1 and 11 are patentable over Ernam et al. In addition, Kuster et al. fails to cure the deficiencies noted above. Accordingly, dependent claims 10 and 20 are also patentable for respectively depending on an allowable base claim.

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CONCLUSION


In view of the above remarks, reconsideration of the rejections and allowance of claims 1, 5, 6, 7, 8, 10-11, 13, and 15-23 are pending in this application are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below. If the Examiner believes that a personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 668-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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